

REMARKS

Claims 14-15, 17, 27, 30-31, 33-38, 40-45, and 47-48, as amended, and new claims 49-50 are pending in this application. In this Response, Applicants have amended certain claims. In light of the Office Action, Applicants believe these amendments serve a useful clarification purpose, and are desirable for clarification purposes, independent of patentability. Accordingly, Applicants respectfully submit that the claim amendments do not limit the range of any permissible equivalents.

In particular, independent claims 14, 27, and 35 have been rewritten to further clarify the invention. In addition, claims 49-50 have been added to recite additional embodiments of the invention, which is fully supported by the Written Description. As no new matter has been added, Applicants respectfully request entry of these amendments at this time.

CLAIM OBJECTION

The Examiner objected to claim 14 for the reason provided on page 2 of the Office Action. In light of the amendment to claim 14 to read “at least one of an insole” as suggested by the Examiner, Applicants respectfully request reconsideration and withdrawal of the objection.

THE REJECTION UNDER 35 U.S.C. § 112

Claims 14-17, 35-38, 40, 42-45, and 48 were rejected under 35 U.S.C. § 112, second paragraph, as provided on page 3 of the Office Action. In particular, the Examiner rejected claims for the use of the phrase “at least one computer system” and the use of the term “the computer system.” In response, Applicants have amended the claims to only use the term “at least one computer system.”

In light of the amendments to the claims, Applicants respectfully submit that the § 112 rejection is overcome. As such, reconsideration and withdrawal of the § 112 rejection is respectfully requested.

THE REJECTIONS UNDER 35 U.S.C. § 103

Claims 14-17 and 44 were rejected under 35 U.S.C. § 103(a) as obvious over U.S. Patent Publication No. 2001/0020222 to Lee in view of U.S. Patent No. 5,887,363 to Rhodes further in view of Hersey and in further view of U.S. Patent No. 6,861,396 to Baker *et al.* for the reasons provided on pages 4-10 of the Office Action. In addition, claim 43 was rejected under 35 U.S.C. §

103(a) as obvious over the combination of Lee, Rhodes, Hersey, and Baker and in further view of U.S. Patent No. 5,144,899 to Allen. The Examiner also rejected claim 45 under 35 U.S.C. § 103(a) as obvious over the combination of Lee, Rhodes, Hersey, and Baker and in further view U.S. Patent No. 6,092605 to Cisneros. Claims 27-31, 33, 41-42, and 47 were also rejected under 35 U.S.C. § 103(a) as obvious over the combination of Lee, Rhodes, Hersey, and Baker and in further view of U.S. Patent No. 6,861,396 to Rudy as stated on pages 11-15 of the Office Action. Finally, claims 34-38, 40, and 48 were rejected under 35 U.S.C. § 103(a) as obvious over the combination of Lee, Rhodes, Hersey, Baker, and Rudy and in further view of Allen as provided on page 16 of the Office Action.

As a threshold matter, the present invention allows for an order to be placed and a warehouse inventory to be checked to see if the particular order is in stock, thereby eliminating the need for the manufacturing facility to produce another. *See, e.g.*, Page 9, line 33 to Page 10, line 6. None of the cited combinations render obvious the presently recited invention.

The Examiner recognizes that the Lee reference is deficient with respect to the present invention in several ways. For example, Lee does not teach or even suggest a method of soliciting or placing an order for *golf shoes*. Accordingly, Lee is completely silent as to cleat type, traction level, material treatment, and the like. In addition, Lee lacks a second computer at a warehouse in communication with a first computer at a store location and also lacks a third computer at the manufacturing facility that is in communication with both the store and warehouse computers.

The Examiner fails to cite any reference to make up for this deficiency in Lee. Instead, the Examiner merely states that it is inherent that the manufacturing facility must store some goods and appears to rely on Lee's Figure 1 to show a network of computers. Office Action at Page 8. However, this does not address the deficiency in Lee with regard to the network of computers now recited in the claims. In fact, the only reference to a "network" in Lee appears to be in regard to the internet to the host computer rather than a network that allows communication between a remote site, a store location, a warehouse, and a manufacturing site, as presently recited.

The secondary references do not remedy this deficiency in Lee. In fact, the secondary references are cited for a very limited purpose with respect to the pending claims and the references do not necessarily cure the deficiency in Lee even for the cited purpose. For example, Rhodes is cited by the Examiner for its disclosure of various cleat types. However, like Lee, the

reference is silent as to many of the features recited in the claims including a method for soliciting or placing an order for a golf shoe or consideration of other parameters now recited in the independent claims. In view of their collective deficiencies, a skilled artisan would not have been motivated to combine Lee and Rhodes and arrive at the present invention in the manner suggested by the Examiner.

Hersey is merely cited by the Examiner for its disclosure regarding selection of insole and outsole materials. Office Action at Page 10. Like Lee and Rhodes, however, Hersey does not even suggest the use of selection processes with regard to golf shoes. Accordingly, Hersey is completely silent as to the insole and outsole materials disclosed in the reference being a selected parameter with which to customize a golf shoe.

Likewise, Rudy teaches various shock absorbing cushioning devices for footwear (Col. 3, lines 43-45), but is completely silent as to their application in golf shoes. Allen generally discloses an embroidery / screen printing apparatus for textile substrates (Col. 2, lines 1-16), however, the reference is silent as to its application on golf shoes or any of the other features of the invention.

Baker is similarly narrow with regard to the numerous deficiencies of the primary reference. For example, Baker is cited by the Examiner merely for its disclosure of various treatments for shoes. Office Action at Pages 7-8. Like the other references, however, Baker does not even contemplate such treatments in the ordering process for golf shoes. Finally, Cisneros generally discloses a horseshoe traction device (Col. 2, lines 44-57), which is not even related to the type of traction level contemplated for golf shoes. As such, even assuming for the sake of argument that one of ordinary skill in the art would have combined Lee and Baker, there is nothing in either reference (even in combination with the other cited references) that would motivated to a skilled artisan to arrive at the presently recited invention.

In sum, none of the references remedy the deficiencies of Lee including teaching a method of soliciting or placing an order for golf shoes. As such, not only would a skilled artisan have lacked any motivation to combine the references in the manner suggested by the Examiner, such combination would not have resulted in the presently recited method.

For at least these reasons, Applicants respectfully request reconsideration and withdrawal of the § 103 rejection based thereon.

CLAIM INTERPRETATION

The Examiner notes that the term "golf shoe" should be given its broadest reasonable interpretation as any shoe worn while playing golf. Office Action at Page 17. Applicant respectfully disagrees and submits that the term "golf shoe" should be interpreted by its plain meaning to be any shoe specifically designed for wear while playing golf. *See, e.g.*, Page 7, lines 9-15 distinguishing "golf shoes" from other types of shoes.

CONCLUSION

All claims are believed to be in condition for allowance. If the Examiner believes that the present remarks still do not resolve all of the issues regarding patentability of the pending claims, Applicants invite the Examiner to contact the undersigned attorneys to discuss any remaining issues.

A Petition for Extension of Time is submitted herewith to extend the time for response two months to and including August 19, 2008. In addition, a Request for Continued Examination is submitted with the authorization for payment of the associated fees. No other fees are believed to be due at this time. Should any fee be required, however, please charge such fee to Hanify & King, P.C. Deposit Account No. 50-4545, Order No. 5220-007-US01.

Respectfully submitted,
HANIFY & KING
Professional Corporation

Dated: August 19, 2008

By: Stephanie D. Scruggs
Stephanie D. Scruggs, Registration No. 54,432
HANIFY & KING, Professional Corporation
1875 K Street, NW, Suite 707
Washington, D.C. 20007
(202) 403-2105 Telephone
(202) 429-4380 Facsimile